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## PATENT COOPERATION TREATY

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NOTIFICATION OF RECEIPT OF  
RECORD COPY

(PCT Rule 24.2(a))

From the INTERNATIONAL BUREAU

To:

LOCKYER, Jean, M.  
 Townsend and Townsend and Crew LLP  
 Two Embarcadero Center  
 Eighth Floor  
 San Francisco, CA 94111  
 United States of America

Date of mailing (day/month/year) 29 July 2003 (29.07.03)	<b>IMPORTANT NOTIFICATION</b>
Applicant's or agent's file reference 16325-140PC <i>016325-0140PC</i>	International application No. PCT/US03/17825

The applicant is hereby notified that the International Bureau has received the record copy of the international application as detailed below.

Name(s) of the applicant(s) and State(s) for which they are applicants:

METABOLEX, INC. (for all designated States except US)

ALLAN, Bernard et al (for US)

International filing date	:	04 June 2003 (04.06.03)✓
Priority date(s) claimed	:	04 June 2002 (04.06.02)✓
		05 June 2002 (05.06.02)✓
		06 June 2002 (06.06.02)✓

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer:  SUAREZ Javier (Fax 338-71-30)  Telephone No. (41-22) 338 8058
Facsimile No. (41-22) 740-1435	

*JW*

## Continuation of Form PCT/IB/301

## NOTIFICATION OF RECEIPT OF RECORD COPY

Date of mailing (day/month/year) 29 July 2003 (29.07.03)	<b>IMPORTANT NOTIFICATION</b>
Applicant's or agent's file reference 16325-140PC	International application No. PCT/US03/17825
06 June 2002 (06.06.02)	
Date of receipt of the record copy by the International Bureau	28 July 2003 (28.07.03)
List of designated Offices	AP : GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW EA : AM, AZ, BY, KG, KZ, MD, RU, TJ, TM EP : AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PT, RO, SE, SI, SK, TR OA : BF, BJ, CF, CG, CI, CM, GA, GN, GO, GW, ML, MR, NE, SN, TD, TG National : AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NI, NO, NZ, OM, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW
<b>ATTENTION</b>	
The applicant should carefully check the data appearing in this Notification. In case of any discrepancy between these data and the indications in the international application, the applicant should immediately inform the International Bureau.	
In addition, the applicant's attention is drawn to the information contained in the Annex, relating to:	
<input checked="" type="checkbox"/> time limits for entry into the national phase - see updated important information (as of April 2002) <input type="checkbox"/> confirmation of precautionary designations (if applicable) <input checked="" type="checkbox"/> requirements regarding priority documents (if applicable)	
A copy of this Notification is being sent to the receiving Office and to the International Searching Authority.	

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## INFORMATION ON TIME LIMITS FOR ENTERING THE NATIONAL PHASE

The applicant is reminded that the "national phase" must be entered before each of the designated Offices indicated on the cover sheet of this Notification by paying national fees and furnishing translations, as prescribed by Articles 22 and 39 and the applicable national laws. In addition, the applicant may also have to comply with other special requirements applicable in certain Offices. It is the applicant's responsibility to ensure the necessary steps to enter the national phase are taken in a timely fashion. Most Offices do not issue reminders to applicants in connection with the entry into the national phase.

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The applicable time limit for entering the national phase will, subject to what is said in the following paragraph, be 30 MONTHS from the priority date, not only in respect of any elected Office where a demand for international preliminary examination is filed before the expiration of 19 months from the priority date (see Article 39(1)), but also in respect of any designated Office, in the absence of filing of such demand, where Article 22(1) as modified with effect from 1 April 2002 applies in respect of that designated Office. For further details, see PCT Gazette No. 44/2001 of 1 November 2001, pages 19926, 19932 and 19934, as well as the PCT Newsletter, October and November 2001 and February 2002 issues.

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In practice, time limits other than the 30-month time limit will continue to apply, for various periods of time, in respect of certain designated or elected Offices. For regular updates on the applicable time limits (20, 21, 30 or 31 months, or other time limit), Office by Office, refer to the PCT Gazette ("Section IV" part published on a weekly basis), to the PCT Newsletter (on a monthly basis) and to the relevant National Chapters in Volume II of the PCT Applicant's Guide (the paper version of which is updated usually twice a year and the Internet version of which is updated usually on a weekly basis). Finally, a cumulative table of all applicable time limits for entering the national phase is available from WIPO's Internet site, via links from various pages the site including those of the Gazette, Newsletter and Guide, at <http://www.wipo.int/pct/en/index.html>.

Information about the requirements for filing a demand for international preliminary examination is set out in the PCT Applicant's Guide, Volume I/A, Chapter IX. Note that only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination (at present, all PCT Contracting States are bound by Chapter II).

## CONFIRMATION OF PRECAUTIONARY DESIGNATIONS

This notification lists only specific designations made under Rule 4.9(a) in the request. It is important to check that these designations are correct. Errors in designations can be corrected where precautionary designations have been made under Rule 4.9(b). The applicant is hereby reminded that any precautionary designations may be confirmed according to Rule 4.9(c) before the expiration of 15 months from the priority date (this time limit may not be extended). If it is not confirmed, it will automatically be regarded as withdrawn by the applicant. There will be no reminder and no invitation. Confirmation of a designation consists of the filing of a notice specifying the designated State concerned (with indication of the kind of protection or treatment desired) and the payment of the designation and confirmation fees. The Notice of confirmation and payment must reach the receiving Office within the 15-month time limit.

## REQUIREMENTS REGARDING PRIORITY DOCUMENTS

For applicants who have not yet complied with the requirements regarding priority documents, the following is recalled.

Where the priority of an earlier national, regional or international application is claimed, the applicant must submit a copy of the said earlier application, certified by the authority with which it was filed ("the priority document") to the receiving Office (which will transmit it to the International Bureau) or directly to the International Bureau, before the expiration of 16 months from the priority date, provided that any such priority document may still be submitted to the International Bureau before that date of international publication of the international application, in which case that document will be considered to have been received by the International Bureau on the last day of the 16-month time limit (Rule 17.1(a)).

Where the priority document is issued by the receiving Office, the applicant may, instead of submitting the priority document, request the receiving Office to prepare and transmit the priority document to the International Bureau. Such request must be made before the expiration of the 16-month time limit and may be subjected by the receiving Office to the payment of a fee (Rule 17.1(b)).

If the priority document concerned is not submitted to the International Bureau or if the request to the receiving Office to prepare and transmit the priority document has not been made (and the corresponding fee, if any, paid) within the applicable time limit indicated under the preceding paragraphs, any designated State may disregard the priority claim, provided that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within the time limit which is reasonable under the circumstances.

Where several priorities are claimed, the priority date to be considered for the purposes of computing the 16-month time limit is the filing date of the earliest application whose priority is claimed.

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PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

INVITATION TO CORRECT  
DECLARATION(S) MADE IN THE REQUEST  
UNDER PCT RULE 4.17

(PCT Rules 4.17 and 26ter.2(a))

010325-04008PC

Date of mailing (day/month/year)	29 July 2003 (29.07.03)
Applicant's or agent's file reference	16325-140PC
International application No.	PCT/US03/17825
Applicant	METABOLEX, INC.

To:

LOCKYER, Jean, M.  
Townsend and Townsend and Crew LLP  
Two Embarcadero Center  
Eighth Floor  
San Francisco, CA 94111  
ETATS-UNIS D'AMERIQUE

REPLY DUE

10-4-03

See below

International filing date  
(day/month/year)

04 June 2003 (04.06.03)

1. The applicant is hereby invited to submit to the International Bureau a corrected declaration within the time limit indicated below and as explained in the Annex. The applicant's attention is drawn to the fact that the declaration has not been examined for compliance with national law requirements of the designated State(s) for which that declaration is made.
- When? Within 16 months from the priority date, provided that any corrected declaration which is received by the International Bureau after the expiration of that time limit shall be considered to have been received on the last day of that time limit if it reaches it before the technical preparations for international publication have been completed (Rule 26ter.1)
- How? By submitting a replacement sheet containing a corrected declaration accompanied by a letter explaining the correction (see Section 216). See Sections 211 to 215 for the applicable standardized wording.
- Where? Directly to the International Bureau at the address indicated below.  
If the corrected declaration is submitted to the receiving Office, that Office shall mark the date of receipt on it and transmit it promptly to the International Bureau. The declaration shall be considered to have been submitted to the International Bureau on the date marked (see Section 317).
2. Failure to correct the declaration within the time limit will result in copies of the declaration, as originally filed, being communicated by the International Bureau to the designated Offices concerned according to Rule 47.1 (a-ter).
- Any declaration received after the expiration of the time limit under Rule 26ter.1 will have to be submitted by the applicant directly to the designated Offices concerned; it is only in the case of a signed declaration of inventorship for the purposes of the designation of the United States of America (Rule 4.17(iv)) that the original declaration will be returned to the applicant (see Section 419(d)).
3. In respect of national phase processing, the applicant's attention is drawn to Rule 51bis.2 which provides that the designated Office shall not, unless it may reasonably doubt the veracity of the declaration concerned, require any document or evidence relating to the subject matter of any declaration complying with Rule 4.17(i) to (iv) which is contained in the request or submitted to the International Bureau or directly to the designated Office. Note, however, that Rule 51bis.2 may not apply in respect of certain States. For further information, see Notes to the request form, Box No. VIII.
4. A copy of this invitation is being sent to the receiving Office.

10-4-03  
Corrects defects in rec'd  
DOCKETED BY CWD

The International Bureau of WIPO 34, chemin des Colombettes, 1211 Geneva 20, Switzerland  Facsimile No. (41-22) 740-1435	Authorized officer SUAREZ Javier (Fax 338-71-30)  Telephone No. (41-22) 338.80.58
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The International Bureau has found the following defect(s) in the declaration(s) listed below :

1.  declaration as to the identity of the inventor (Rules 4.17(i) and 51bis.1(a)(i) and Section 211), in respect of:
  - a. *(name(s) included in the declaration):* .....  
 is not in the prescribed wording  
 other (*specify*): .....
  - b. *(name(s) included in the declaration):* .....  
 is not in the prescribed wording  
 other (*specify*): .....
2.  declaration as to the applicant's entitlement, as at the international filing date, to apply for or be granted a patent (Rules 4.17(ii) and 51.bis.1(a)(ii) and Section 212), in respect of:
  - a. *(name(s) included in the declaration):* .....  
 is not in the prescribed wording  
 other (*specify*): .....
  - b. *(name(s) included in the declaration):* .....  
 is not in the prescribed wording  
 other (*specify*): .....
3.  declaration as to the applicant's entitlement, as at the international filing date, to claim priority of the earlier application (Rules 4.17(iii) and 51bis.1(a)(iii) and Section 213), in respect of:
  - a. *(name(s) included in the declaration):* .....  
 is not in the prescribed wording  
 other (*specify*): .....
  - b. *(name(s) included in the declaration):* .....  
 is not in the prescribed wording  
 other (*specify*): .....
4.  declaration of inventorship (only for the purposes of the designation of the United States of America) (Rules 4.17(iv) and 51bis.1(a)(iv) and Section 214), in respect of:
  - a. *(name(s) included in the declaration):* .....  
 is not in the prescribed wording  
 is not signed by all inventors named in the declaration  
 other (*specify*): It must be dated also (signature's date).
  - b. *(name(s) included in the declaration):* .....  
 is not in the prescribed wording  
 is not signed by all inventors named in the declaration  
 other (*specify*): .....
5.  declaration as to non-prejudicial disclosures or exceptions to lack of novelty (Rules 4.17(v) and 51bis.1(a)(v) and Section 215), in respect of:
  - a. *(name(s) included in the declaration):* .....  
 is not in the prescribed wording  
 other (*specify*): .....
  - b. *(name(s) included in the declaration):* .....  
 is not in the prescribed wording  
 other (*specify*): .....

**PATENT COOPERATION TREATY**

From the RECEIVING OFFICE

To:  
 JEAN M. LOCKYER  
 TOWNSEND AND TOWNSEND AND CREW LLP  
 TWO EMBARCADERO CENTER  
 EIGHTH FLOOR  
 SAN FRANCISCO, CALIFORNIA 94111

*016325-01400PC*

**PCT**

**INVITATION TO CORRECT DEFECTS IN  
THE INTERNATIONAL APPLICATION**

(PCT Articles 3(4)(i) and 14(1) and Rule 26)

<i>016325-01400PC</i>		Date of mailing (day/month/year)	23 Jul 2003
Applicant's or agent's file reference  16325-140PC	REPLY DUE within <u>1</u> months/days from <i>8-23-03</i> the above date of mailing		
International application No.  PCT/US03/17825	International filing date (day/month/year) 04 Jun 2003		
Applicant METABOLEX, INC.			

1.  The applicant is hereby invited, within the time limit indicated above, to correct, in the international application as filed, the defects specified on the attached:
  - Annex A
  - Annex B1 (*text matter of the international application as filed*)
  - Annex C1 (*drawings of the international application as filed*)
2.  The applicant is hereby invited, within the time limit indicated above, to correct, in the translation of the international application furnished under Rule 12.3 or 12.4, the defects specified on the attached:
  - Annex A
  - Annex B2 (*text matter of the translation of the international application*)
  - Annex C2 (*drawings of the translation of the international application*)

Additional observations (if necessary):

**HOW TO CORRECT THE DEFECTS?**

Correction must be submitted by filing a replacement sheet embodying the correction and a letter accompanying the replacement sheet, which shall draw attention to the difference between the replaced sheet and the replacement sheet. A correction may be stated in a letter only if it is of such a nature that it can be transferred from the letter to the record copy without adversely affecting the clarity and direct reproducibility of the sheet onto which the correction is to be transferred (Rule 26.4).

**ATTENTION**

Failure to correct the defects will result in the international application being considered withdrawn by this receiving Office (see Rule 26.5 for further details).

A copy of this invitation and any attachments has been sent to the International Bureau

and the International Searching Authority

Name and mailing address of the receiving Office  Mail Stop PCT, Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450  Facsimile No. 703-305-3230	Authorized officer  Lydell Meadows  Telephone No. 703-305-3745
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Form PCT/RO.106 (January 2003)

*Power of attorney 8-23-03*  
**DOCKETED BY** *CW*